IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.K.DENESAN

FRIDAY, THE 24TH NOVEMBER 2006 / 3RD AGRAHAYANA 1928

WP(C).No. 31183 of 2006(K)

PETITIONER:

V.T.JOSEPH,
ASSISTANT DIRECTOR, KERALA POLICE ACADEMY,
RAMAVARMAPURAM, THRISSUR.

BY ADV. SRI.S.P.ARAVINDAKSHAN PILLAY
SMT.N.SANTHA
SRI.PETER JOSE CHRISTO

RESPONDENTS:

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1. STATE OF KERALA,
REPRESENTED BY THE SECRETARY TO GOVERNMENT,
HOME DEPARTMENT, SECRETARIAT,THIRUVANANTHAPURAM.

2. DIRECTOR GENERAL OF POLICE,
POLICE HEADQUARTERS, THIRUVANANTHAPURAM.

3. ACCOUNTANT GENERAL (A & E),
KERALA, THIRUVANANTHAPURAM.

BY GOVT. PLEADER SHRI. P.NANDAKUMAR

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 24/11/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.K. DENESAN, J.

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W.P.(C) No. 31183 OF 2006 K
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Dated this the 24th November, 2006

J U D G M E N T

The petitioner is a Superintendent of Police (Non-IPS). Presently he is working as Asst. Director in Kerala Police Academy, Thrissur. The Departmental Promotion Committee (Higher) which met in 1997 decided to supersede him in the matter of promotion to the post of Dy.S.P. in view of the disciplinary action pending against him. Thereafter, the ad hoc D.P.C. which met on 25-10-2005 decided to include him in the select list of Circle Inspector of Police for promotion as Dy.S.P. in the year 1996. A select list was published as per notification dated 17-12-2005 showing that the serial number of the petitioner in the select list would be Sl. No. 23(a). The petitioner was promoted as Deputy Supdt. of Police by Govt. Order dated 10-6-2002 and he took charge as Dy.S.P. on 27-6-2002. The petitioner's junior, Shri. V.V. Narayanan who is Sl. No. 24 in the select list got actual promotion as Dy.S.P. with effect from 7-9-1997. Taking into account the inclusion of the petitioner in the select list as Sl. No. 23(a), the

petitioner has claimed that he should be given the benefit of promotion as Dy.S.P. at least from the date of his junior joining duty as Dy.S.P. The above request has been recommended by the head of the department as seen from Ext. P5 letter addressed to the Government. While the above matter was pending with the Government, the petitioner was included in the select list of Dy.S.Ps. fit for promotion as Supdt. of Police (Non-IPS) for the year 2005 by Ext.P6 notification and having regard to the rank assigned to him in that select list he was promoted as Supdt. of Police which post he now holds.

2. The grievance of the petitioner regarding the retrospective effect of promotion to the post of Dy.S.P. even now subsists. It is contended that unless the above legitimate claim is considered and orders passed by the Government without further delay, the petitioner may not be able to enjoy the fruits of the inclusion of his name in the select list, Ext. P2. Feeling aggrieved by the delay on the part of the 1st respondent in considering the claim of the petitioner, this writ petition has been filed.

3. Exts. P4 and P8 representations of the petitioner seeking for the above service benefit are pending with the 1st respondent. Taking into consideration the fact that there remains only a very short time for the petitioner to retire from service on superannuation, I am inclined to direct the 1st respondent to look into the grievance of the petitioner and pass orders in accordance with law, taking into account the facts and circumstances stated in Ext. P5 as well. Ordered accordingly. This shall be done within one month on the petitioner producing a copy of the judgment along with a copy of the writ petition.

K.K. DENESAN
JUDGE

jan/